

REMARKS

Claims 1-20 are all the claims pending in the application.

I. Preliminary Matters. The Examiner noted that the drawings filed on 29 March 2005 were accepted.

II. Amendments to Claims. Claims 3, 4 and 14 have been canceled. Claims 7-12 and 16-18 have been amended so they are not multiple dependent claims depending from other multiple dependent claims. New claims 19 and 20 have been added for the Examiner's consideration. The claims have been amended for clarity.

III. Summary of the Office Action. In the office action, claims 7-12 and 16-18 were objected to as being multiple dependent claims depending from other multiple dependent claims.

Claims 1, 2 and 13 were rejected as obvious over Sai (US 5765948) in view of Wada (US 5217306).

Claims 3 and 14 were rejected as obvious over Sai in view of Wada and further in view of Alsmeyer et al (US 5638172).

Claim 4 was rejected as obvious over Sai in view of Wada and Alsmeyer, and further in view of Kleinerman (US 5820265).

Claims 5, 6 and 15 were rejected as obvious over Sai in view of Wada, Alsmeyer et al, Kleinerman, and further in view of Ozawa et al (US 5113277).

IV. Objections to Claims. As noted above, claims 7-12 and 16-18 have been amended so they are not multiple dependent claims depending from other multiple dependent claims. It is respectfully submitted that the objection to claims 7-12 and 16-18 must now be withdrawn.

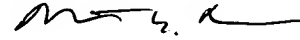
V. Claims Rejections Under 35 USC 103. The rejection of claims 1, 2 and 13 as obvious over Sai, in view of Wada, must be withdrawn. Sai discloses methods which require simultaneous measurement of light at several frequencies, in contrast with the present invention, in which light is measured at one frequency, using one filter. Although the Examiner refers to the use of a single optical filter 6, col. 8, line 58, to col. 9, line 18, make it clear that the filter is in fact three filters. Wada also discloses multiple filters. By contrast, the present invention uses a single filter at a single wavelength to measure light from a laser diode light source alternating between a laser mode and a light emitting diode mode. Neither Sai nor Wada discloses or suggests using a laser diode that alternates between a laser mode and a diode mode, so they cannot, either separately or in combination with any other prior art, render the present invention obvious. Accordingly, the rejection of claims 1, 2 and 13 as obvious over Sai in view of Wada must be withdrawn.

Because the combination of Sai and Wada cannot render the present invention obvious, the remaining rejections for obviousness, all of which are based on Sai and Wada, also cannot render the present invention obvious.

VII. Conclusion. In view of the above, it is respectfully submitted that this application is now in condition for allowance, and an early action to that effect is earnestly solicited. If the claims would be in condition for allowance except for minor revisions, Applicant's attorney courteously invites a telephone interview initiated by the Examiner so that such revisions can be effected by Examiner's amendment.

Respectfully submitted,

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